

EDWARD KOEHL 94A2890
GREENHAVEN CF - BOX 4000
STORMVILLE NY 12582

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>11/3/11</u>

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9.19.11

HON. LORETTA A PRESKA, CHIEF DISTRICT JUDGE
U.S. DISTRICT COURT (SDNY)
500 PEARL ST - NEW YORK NY 10007

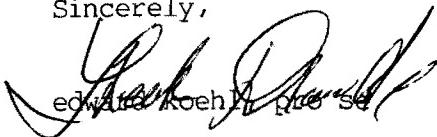
RE: APPLICATION OF EDWARD KOEHL (79 cv 5077)

Dear Judge Preska:

PLEASE find enclosed my opposition to Captain Burnett's Affidavit, Reply to defendants' opposition for my motion for contempt and a TRO and several supporting exhibits for filing and consideration.

Thank you for your time.

Sincerely,



edward koehl 94a2890

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOUIS MILBURN, et al.,

REPLY AFFIDAVIT

Plaintiffs,

79 cv 5077 (LAP)

IN THE APPLICATION OF
EDWARD KOEHL

v

HON. LORETTA A PRESKA
CHIEF DISTRICT JUDGE

THOMAS COUGHLIN, et al.,

Defendants.

EDWARD KOEHL, Plaintiff, pro se, swears under penalty of perjury pursuant to 28 U.S.C. §1746 that the following is true and correct:

1. As a pro se plaintiff, I request a liberal reading of my submissions to make the strongest possible argument. *Haines v Kerner*, 418 U.S. 519 (1972).
2. On 7.3.11 (filed 7.7.11), I motioned this Court for an order of Contempt and TRO, in that defendants, in retaliation, willfully violated the terms and conditions of the Milburn Consent Decree. In an Order dated 7.29.11, the Court gave defendants until 8.31.11, to submit an opposition. Upon my request, the Court gave me until 9.19.11, to Reply.
3. Defendants' Opposition and Affidavit from Captain Burnett is willfully false and misleading and misrepresents my complaint. Thus, defendants' submissions are designed to subvert these proceedings and hide their retaliatory actions and failures to provide prompt and proper medical care. The retaliatory actions, in part were designed to put me in the BOX and/or to have me raped, sodomized and sexually threatened, via the forced double bunking with Rohan Campbell, a violent, level one, serial rapist and known informant of the defendants. And/or to have me physically harmed via the forced double bunking with unsuitable individuals.
4. Pursuant to DOCS Directive 4003, victim prone individuals are not to be double bunked. The same applies for every other openly gay person, except for me. Common sense dictates such. Here, while in DOCS custody (AUBURN 10/11 2010), I was forced to double bunk with Ryan McNaughton, A sererevly offed balanced, violent, level one serial rapist under the threat of going directly to the BOX if I refused. HE openly extorted and sexually threatened me repeatedly. He did so because I am gay and unable to defend myself due to spinal cord and

spine reconstruction surgery (Cl-T1). I permanently lost over 90% use/strength in my arms and hands. It was such a horrific experience that it left me permanently scared and was forced to seek treatment. My medical records as already presented reflect such. Thereafter, DOCS personnel held that I cannot defend myself in a double bunk cell and can only be housed in a single cell.

5. Upon my return to Greenhaven (5.5.11), the intake nurse first held that I can double bunk, but only in a bottom bunk. But, after review my records and conducting a hands on interview held that I can only be housed in a single cell. Contrary to the Intake Nurse holding such, the GREENHAVEN defendants forced me to double bunk with 4 different unsuitable individuals as already stated in my complaint. The most heinous being ROHAN CAMPBELL, an extremely violent, level one, serial rapist who terrorized woman in the Bronx. In order for the Greenhaven defendants to pull this scheme off, they had to dlcotr and remove records from my corrections folder and medical records.

6. Subsequently, I was forced to file the instant complaint. However, since Rohan Campbell is also a DOCS informant, he broke into my locker and read my submissions planned for this Court and for a pending 1983 civil action before Judge SIDNEY Stein, DJ (10 cv 3808). In that action, WILLIAM LEE, Warden, Greenhaven CF and Dr. Fredrick Bernstein, MD, Health Services Director, are both named defendants, in that they callously and deliberately denied me prompt and proper medical care resulting in my spinal cord and spine reconstruction surgery. Thus, Warden Lee had a vested interest to place me into a cell with Campbell. It was only after Campbell relayed the contents of my claims to Defendant Lee, did LEE inflict additional retaliation. HE HAD ISSUED 2 false misbehavior reports stating that available decision case law via his own LAW Library is another prisoner's crème and sentence information. I was told by numerous DOCS officials, including LEE, that if I withdraw my complaints, with this Court, the misbehavior reports will go away and I will be issued a single cell. After being confined in a double bunk cell for 23 hours per day of 21 day, the 2 retaliatory/false misbehavior reports were dismissed. The reports generated and the hearing tapes prove beyond doubt that I have been denied medical care under the Milburn Consent Decree. However, when I attempted to obtain the documents and hearing tapes, I was given a Records Certification" stating that "NO SUCH RECORDS EXIST." Meaning that the GREENHAVEN defendants

willfully destroyed inculpatory evidence to hide their violations of the Milburn Consent Decree. SEE ATTACHED EXHIBIT 1.

7. It must be noted that defendants callously and deliberately destroyed inculpatory medical records also. I requested before and after xrays of my cervical spine to show my debilitating conditions and inability to defend myself. I was able to purchase a post surgical xray showing that 2 metal rods and numerous clamps and screws were attached to my cervical spine (C1-T1). Due to my lack of funds said xray was sent directly to Judge Sidney Stein (10 cv 3808). Thus, available for this Court's review. However, the pre-surgery inculpatory xrays have been willfully destroyed to preclude a finding of deliberate indifference for the lack of proper spinal cord treatment, contrary to LISA Bosworth, Medical Records Clerk, BETSY Kelly, Nurse Administrator and Dr. Fredrick Bernstein, MD, Health Services Director, Greenhaven CF, testifying before this Court via the application of John Vera Moreno, between July - September, 2010, stating that medical records are NEVER destroyed, even after the prisoner's death. Lisa Bosworth knowingly lied to hide Milburn violations and felt completely comfortable putting her lies in writing. SEE ATTACHED EXHIBIT 2.

8. Defendants' attempt to claim that there is a distinction between DOCS personnel (medical and administrative) at Greenhaven is false to the extent that Warden Lee has the final say on matters of prison life in Greenhaven. Further, without a hearing who can state with any certainty whether any failure to provide prompt and proper medical care and/or ignoring medical orders were not influenced by Defendant Lee/Administrative Staff to hide retaliatory actions.

9. Likewise, defendants attempt to claim that my application should be dismissed because defense counsel was not properly served/notified. This claim is meritless. I filed numerous letters with counsel's clients attempting in good faith to resolve issues. Further, this Court gave defense counsel 2 months to fix problems or oppose the complaint. Moreover, defense counsel has NOT implied or even suggested any prejudice from said harmless errors. Finally, my actions were based upon a perceived immediate danger to my safety via sexual threats/attacks by a sick serial rapist Warden Lee forced me to double bunk with. For defense counsel to make light of this threat is disgraceful. Especially since defense counsel (Julinda Dawkins, AAG) is a woman. It appears Ms. Dawkins is of the opinion that being raped, sodomized or sexually threatened is a good night out on the town!

10. In a continued scheme of retaliation, defendants have: i). canceled my

physical therapy; ii). waited almost 5 months to get me to the eye doctor to fix my broken glasses; iii). refused to provide dental treatment. I wear dentures and require adhesive in order to speak and eat. Defendants recently stopped selling adhesive and cleansing tablets. As of today, I have not been able to chew solid foods for approximately 3 weeks and counting, contrary to reporting to sick call after my denture fell out and chipped and wrote to Dr. Bernstein. I require a permanently fixed bottom denture because I have no bottom ridge line to hold the denture in place, but have been denied such; iv). Not allowing me to see a pulmologist for my progressive lung diseases (Sarcoidosis) since 2008, contrary to the specialist (Hilton Hozzana, Albany Medical Center) recommending continued treatment to monitor the disease's progression and to prescribe medications; v). denying access to a specialist to treat my degenerative disk disease (T10-11 & L5-S1); vi). denying access to a neurologist. The weakness and pain in my hands and arms are progressing to where I can hardly do anything with them. This is due to the spinal cord damage at C1-T1 and the resulting surgery; and vii). after the false misbehavior reports were dismissed on 7.21.11, defendants applied a 1/2011 memo retroactively contrary to legislative approval to extend my prison sentence. In 2011, the DOCS issued a memo stating that any prisoner who receives a misbehavior for harassment and is found guilty and receives more than 45 days in a special housing unit has to retake Aggression Replacement Therapy (A.R.T.). In 2005, someone forged my name and wrote a subversive letter to a state official. Only because the DOCS held that the entire file is confidential, I was unconstitutionally precluded from raising a defense and found guilty. The Honorable George W. Gorenstein, MJ (10 cv 3808), on 6.15.11, ruled that my due process rights were violated. Since that misbehavior report, several additional misbehavior reports were issued alleging the same. However, since I was given access to those case files I was able to prove I was not the author in each one of those cases. Warden Lee and Brian Fischer, Commissioner, DOCS, refused my family and my request for a full investigation into who is forging my name. But, admitted in writing my name is being forged to cause me harm. Contrary to Warden Lee aware that my name is being forged, he had issued to me a false misbehavior report for the same. immediately after I FILED 10 cv 3808. And, immediately thereafter, I was transferred to Auburn CF, 350 miles from my family and thereafter denied all medical treatment, including pain medications for my conditions. Dr. Pang-Lang Kooi, MD, Health Services Director, Auburn CF, stated that I was transferred to AUBURN CF so he can find nothing medically wrong with me. Thus, denied any continued treatment after leaving Greenhaven on 6.10.10.

After the false misbehavior report was reversed by the Appellate Division, Fourth Department, I was allowed to be transferred back to GREENHAVEN on 5.5.11.

11. For the sake of judicial economy the issues mentioned above in §10 can be addressed herein. Or, Defense counsel can consider all the claims listed in §10 to be an official notice of defendants' continued violations of the Milburn Consent Decree.

12. Defendants opposition claims that since I SIGNED a double bunk waiver, my allegations are meaningless. Just because I signed a double bunk waiver so I can be moved closer to my elderly and disabled parents, does not mean that I consented to being raped, sodomized and/or sexually threatened. I will never be able to articulate my contempt for Ms. Dawkins' assertions.

13. Because defendants willfully lied, and admitted to destroying inculpatory documents, dismissal is not appropriate absent a full hearing into my claims. Anything else would be condoning gay bashing, retaliation, attempted sexual attacks. The Court should also be made aware that Rohan Campbell was never disciplined for his sexual threats on my person, even though I repeatedly reported such, because Campbell is a known informant, hence, protected. I on the other hand were issued 2 misbehavior reports that could have put me in the BOX for years. The charges: purchasing available decisional case law (ROHAN CAMPBELL'S) to incorporate into my claims for presentation to this Court.

14. Finally, although I am now in a single cell, Warden Lee stated to me that if I don't withdraw this complaint, he will again place me into a double bunk cell with someone who will harm me. HE EVEN PUT SUCH IN WRITING, leaving out the harm part of course.

WHEREFORE, FOR THE REASONS LISTED IN THESE PROCEEDINGS, I REQUEST THE LISTED RELIEF, OR A FULL HEARING SO ALL EVIDENCE CAN BE PRESENTED TO THE COURT FOR CONSIDERATION.

I SWEAR UNDER PENALTY OF PERJURY PURSUANT TO 28 U.S.C. §1746, THAT ON THE DATE LISTED BELOW, I SENT DEFENSE COUNSEL, LUCINDA Dawkins, A COPY OF THIS REPLY AND ATTACHMENTS (120 BROADWAY, NEW YORK, NY 10271), via U.S. POSTAL SERVICE.

DATED: SEPTEMBER 19, 2011

Respectfully,
EDWARD KOEHL, PRS SE

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LOUIS MILBURN,

plaintiffs,

v

THOMAS COUGHLIN, III, et al.,

Defendants.

VERIFIED OPPOSITION TO CAPTAIN
BURNETT'S AFFIDAVIT OF 8.30.11

79 cv 5077 (LAP)

IN THE APPLICATION OF EDWARD KOEHL

EDWARD KOEHL, Plaintiff, pro se, swears under penalty of perjury pursuant to 28 U.S.C. §1746, that the following is true and correct to the best of my knowledge;

Before I commence answering Captain Burnett's Affidavit in corresponding paragraphs, I object to such because it is NOT and cannot be considered a "VERIFIED" document. I also question whether it can be considered by this Court. There is no such person with the first name "CAPTAIN" and the surname "BURNETT" working in this facility or with the DOCS. This would also mean that ELLEN A BOHLMAN, Notary Public who attested ~~there's~~ a person named CAPTAIN BURNETT falsified a document. This may appear insignificant, however, being the affidavit is riddled with callous and deliberate lies to hide a denial of prompt and proper medical care, along with continuing conspiracy to have me harmed, the most heinous being the defendants attempt to have me raped, sodomized and sexually threatened via the forced illegal doubling celling with a level one, violent, serial rapist, I find that the affidavit by the fictitious person to raise suspicion. This rapist was cohersed and allowed to do such deeds by defendants for several reasons, including the fact that he is a known informant.

For the sake of clarity, I will address each of Captain Burnett's affidavit with corresponding paragraphs.

1. Do not have enough information to form an answer.
2. Do not have enough information to form an answer.
3. True but only to the extent that I also complained of being double celled to hide numerous violations of the Milburn Consent Decree as stated in the complaint.

4. Burnett is callously and deliberately lying to this Court to cover up wrong doing. First; while in Auburn, I was forced into a double bunk cell with level one, offed balanced, serial rapist who extorted and tried to sexually attack me because I am gay and unable to protect myself do to spinal cord and spine reconstruction surgery. Thereafter, the medical staff held that I can only be housed in a single cell. Upon arriving at Greenhaven CF, the intake nurse followed the prior orders. Thus, the risk assessment referred to by Burnett is false and apparently fabricated after the fact for these proceedings. I already submitted medical documentation to support these claims. Second, a "RISK ASSESSMENT" pursuant to Directive 4003 is to be done each time a prisoner is forced into a double bunk cell with another person. Meaning, that since I was forced to double bunk with 4 different people, 4 different risk assessments were mandated to be done. However, as Burnett has stated ONLY ONE risk assessment was done, i.e., the one with ROGER MAJOR. (SEE BURNETT AFFIDAVIT, EXHIBIT B). Burnett, willfully lied to this Court, in that he is attempting to hide that he never did a risk assessment for the forced double bunking with ROHAN CAMPBELL, a level one, violent, serial rapist who repeatedly tried to force himself sexually on me. When I notified defendants of what was occurring, DEFENDANT LEE stated: "This is what happens when you sue us." Pursuant to Directive 4003, and prior medical orders, I was never allowed to be forced into a double cell. This is why documents in my file stating I am gay were removed and why Burnett NEVER DID A RISK ASSESSMENT for my forced double bunking with ROHAN CAMPBELL. These claims can be proven with certified documentary evidence. SEE ATTACHED EXHIBIT 1. It can also be proven that Campbell was a known informant. Captain Burnett's willfulness to engage in a conspiracy to have me sexually assaulted, questions the veracity of his entire affidavit. Documents and testimony would easily prove my claims.

5. Burnett's statements stating I was cleared for doubling celling on May 6, 2011, is a lie and his document he uses in support is a fabrication. This is exactly why NO INDIVIDUAL FROM HEALTH SERVICES put their name on the document. The intake nurse on 5.5.11, clearly stated that I am not to double bunk and can only be on the flats. She (Nurse Zwellinger) based her decision on my medical conditions and past medical orders. Nurse Zwellinger can easily be questioned

to ascertain whether her medical notations she made in my chart on 5.5.11, are accurate. Apparently, Burnett and defendants know that I am correct which is why they refused to attach an affidavit from Nurse Zwellinger. Likewise, the defense willfully failed to refute any of the documents I presented in the complaint showing I was forced into a double bunk cell contrary to medical orders.

6. Just because I was forced to sign a double bunk waiver in order to be moved closer to NYC so I can see my elderly and disabled parents, it does not mean that I should be subjected to rape, sodomy, sexual abuse and basic torture. Nor, does it mean that the DOCS is permitted to over-ride standard medical orders. Nor, does it mean that the defendants are permitted to remove documents from my files and/or allowed to doctor medical records in order to deny me prompt and proper medical care. It should be noted that there is no bed shortage within the DOCS, thus there is no reason whatsoever for any prisoner to be forced to double bunk for 60 days, or in the case at Greenhaven for up till a year. Greenhaven forces prisoners to sign an unlimited double bunk waiver in order to remain in Greenhaven. Failure to sign this forced waiver results in a transfer to a facility over 300 miles from their homes. It is more than just blackmail, to encompass job creation for the DOCS. It takes numerous employees to accomplish transfers. This also can easily be proven.

7. Although I am presently in a single cell, Defendant Lee has personally stated to me that if I continue with this action he will force me to double bunk again. He even put this in writing. Hence, the final result of these proceedings will far reaching implications. Further, I was only moved into a single cell on 7.21.11, after the 2 fabricated retaliatory misbehavior reports were dismissed.
SEE EXHIBIT 2

8. No person with the first name CAPTAIN and last name BURNETT works for the DOCS. The affidavit is signed by a fictitious person. THUS, IT is should not even be considered.

I SWEAR UNDER PENALTY OF PERJURY PURSUANT TO 28. U.S.C. §1746 THAT ALL STATEMENTS ARE TRUE AND CORRECT:

SWORN TO BEFORE ME THIS
11 DAY OF SEPTEMBER, 2011


EDWARD KOEHL, PRO SE

NOTARY PUBLIC

EDWARD KOEHL 94A2890 E1-144B

JUNE 30, 2011

R. SMUTNEY, FOIL OFFICER

Dear Mr. Smutney:

This is a Freedom of Information Law Request, pursuant to McKinney's Public Officer's Law 84-90.

I REQUEST HE FOLLOWING:

1. THE DOUBLE CELL INFORMATION SHEET THAT THE DSS MUST FILL OUT IN ORDER TO FORCE A PRISONER TO DOUBLE BUNK FOR THE FOLLOWING:

A. 5.27.11 - 6.1.11. I was housed in A5-245B with Eric Pearson;
B. 6.1.11 - 6.27.11. I was housed in A4-145B with Rohan Campbell.

2. On 6.27.11 at approximately 4:30am an incident occurred at A4-145 with my bunk mate Rohan Campbell. Correction officers and the area sergeant were called. Subsequently, I was forced to move because Rohan Campbell told the sergeant that he does not like being in the cell with a gay person and was going to harm me if not moved.

I REQUEST THAT REPORT AND ANY SUBSEQUENT REPORT, INCLUDING ANY LOG BOOK ENTRIES.

A signed disbursement is attached for processing.



EXHIBIT 1

EDWARD KOEHL 94A2890 E1-125

8.12.11

R. SMUTNEY, FOIL OFFICER
GREENHAVEN CF - STORMVILLE NY

On 8.10.11, you responded to my Notarized FOIL and stated that there were no documents generated regarding the incident that occurred between Rohan Campbell and myself on 6.27.11, in A4-145, that resulted in me being moved first to A5 company and then to E-Block.

On this same day, you stated that the Double Bunk evaluation forms that the DSS is mandated to fill out are non-FOILABLE. I requested said documents that pertained to me and that stated Eric Pearson (A5-243) and Rohan Campbell (A4-145) were compatable people to double bunk with.

Be advised that YOU already PROVIDED THE SAME with regards to me being allowed to double bunk with Rodjor Major (F2).

So, it more than just appears that you are now lying to cover up and hide that I was illegally forced into double bunk cells with violent animals to cause me harm and/or promote a confrontation. Hence, you are now willfully conspiring after the fact.

Moreover, you willfully refused to provide and/or even respond to my repeated FOILS for the statement written by Rohan Campbell on 7.1.11, and sent to Warden Lee that falsely stated I possessed his sentence documents that lead to my cell being searched and the issuance of 2 false misbehavior reports. The letter is referred to in Warden Lee's Affirmation (7.27.11). And, was read into the record by Lt. Hann on 7.3.11. Thus, allowed under FOIL.

I DEMAND A PROPER RECORDS CERTIFICATION STATING THAT NO DOCUMENTS WERE GENERATED AND/OR EXIST REGARDING THE INCIDENT BETWEEN ROHAN CAMPBELL AND MYSELF ON 6.27.11.

I ALSO DEMAND THE SAME REGARDING MY FOIL REGARDING THE DOCUMENT ROHAN CAMPBELL WROTE ON 7.1.11, AND SENT TO WARDEN LEE. THAT IS UNLESS YOU ARE NOW GOING TO PROVIDE SUCH.

I ALSO DEMAND A RECORDS CERTIFICATION STATING THAT MY REQUEST FOR "MY" ASSESSMENT SHEETS FILLED OUT BY THE DSS TO ALLOW ME TO DOUBLE BUNK WITH ERIC PEARSON AND ROHAN CAMPBELL ARE NON-FOILABLE, CONTRARY TO THE ONE WITH RODJOR MAJOR BEING PROVIDED?

SWORN TO BEFORE ME THIS
12th DAY OF AUGUST, 2011


NOTARY PUBLIC

KIM SKARVA
Notary Public, State Of New York
Qualified In Dutchess County
Registration No. 01SK6089088
Commission Expires March 17 2014


EDWARD KOEHL

EXHIBIT 1

EDWARD KOEHL 94A2890 E1-125
GREENHAVEN CF = STORMVILLE NY

8.19.11

R. SMUTNEY, FOIL OFFICER
GREENHAVEN CF

Smutney:

I have repeatedly requested that you provide proper records certifications for several FOILS. Not only have you willfully refused to respond to most of my request, but, have callously and deliberately refused to provide a proper records certification for any documents relating to the incident that occurred between ROHAN CAMPBELL and myself on 6.27.11, that caused me to be moved from A Block to E Block. You even have the gall TO list my request as the Unusual Incident Report, when that is clearly NOT what I am requesting.

If you are under the impression that you can protect unconstitutional conduct and never have to answer for your corrupt actions, I am sure Judge Preska, Stein and Gorenstein will state otherwise.

I demand you answer my FOILS.

I ALSO DEMAND THAT YOU PROVIDE A PROPER RECORDS CERTIFICATIONS STATING WHETHER ANY DOCUMENTS EXIST REGARDING THE INCIDENT ON 6.27.11, BETWEEN ROHAN CAMPBELL AND MYSELF. THAT MEANS ANY DOCUMENTS?????????

SWORN TO BEFORE ME THIS
19th DAY OF AUGUST, 2011,


Kim Skarva

NOTARY PUBLIC

KIM SKARVA

Notary Public, State Of New York
Qualified In Dutchess County

Registration No. 01SK6089088

Commission Expires March 17, 20 14

CC: U.S. DISTRICT COURT (SDNY)

Respectfully,


Edward Koehl

EDWARD KOEHL, PRO SE

EXHIBIT 1



STATE OF NEW YORK

DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

GREEN HAVEN CORRECTIONAL FACILITY

594 Route 216

Stormville, NY 12582

845-221-2711

BRIAN FISCHER
COMMISSIONER

WILLIAM A. LEE
Superintendent

CERTIFICATION

I, Rudolf Smutny, Correction Counselor, Freedom of Information Unit, for the Green Haven Correctional Facility do hereby certify that after a diligent search no records were located per inmate Koehl, E

DIN: 94A 2890 DATE: 8/12/11 request.

R. Smutny III

Rudolf Smutny III
Correction Counselor
Freedom of Information Unit

Sworn to before me on this 2nd

Day of August, 2011.

Angelene C. Stewart

NOTARY PUBLIC

ANGELENE C. STEWART
Notary Public, State of New York
No. 01ST6111260
Qualified in Dutchess Co.
Term Expires June 7th 2012

EXHIBIT 1

Exhibit 1



STATE OF NEW YORK

DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

GREEN HAVEN CORRECTIONAL FACILITY

BRIAN FISCHER
COMMISSIONER

594 Route 216
Stormville, NY 12582
845-221-2711

WILLIAM A. LEE
Superintendent

TO: E. Koehl 94A2890 E1/125
FROM: L. Bosworth (B) Clerk II Medical Records
SUBJECT: Letter dated 8/2/11
DATE: August 5, 2011

This letter is in response to yours to me, as dated above. Per DOCCS policy, radiological reports from X-Rays from 2004 are retained and are part of your permanent medical record. You have seen these reports and per your request, you have been provided with a copy of them.

However, also per DOCCS policy, older X-Ray films are not retained. Therefore, X-Ray films done as part of your medical and dental care from 2004 and before have been removed from your medical and dental records and are no longer available.

CC: file/lb

Exhibit 2